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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN  
14 FRANCISCO CHAPTER, et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF HOMELAND  
18 SECURITY, et al.,

19 Defendants.  
20 \_\_\_\_\_/

No. C 08-5137 RS

**STIPULATION TO EXTEND TIME  
TO FILE BILL OF COSTS AND/OR  
MOTION FOR ATTORNEY'S FEES;  
AND ~~[PROPOSED]~~ ORDER**

21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. Beginning in April 2009, the parties entered into a series of stipulations to stay  
23 proceedings to allow Defendants to conduct secondary searches and process potentially responsive  
24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the  
25 Court's intervention. As a result of those negotiations, in October 2009 the parties filed a  
26 stipulation of dismissal of this action with prejudice under Rule 41(a)(1)(A)(ii) with respect to  
27 Defendants DHS, DHS-OIG, and CIS. After further negotiations resolved all remaining merits  
28 issues, in June 2011 the parties filed a stipulation of dismissal of this action with prejudice under

1 Rule 41(a)(1)(A)(ii) with respect to all remaining Defendants; and

2 2. Since June 2011, the parties have been discussing whether an award of attorney's  
3 fees and costs is appropriate in this case and, to that end, have entered into a series of stipulations  
4 to extend the deadline for Plaintiffs to file any bill of costs and/or motion for attorney's fees. Most  
5 recently, on April 26, 2012, the Court approved the parties' stipulation to extend that deadline by  
6 about one month, to May 31, 2012, to permit those negotiations to continue; and

7 3. The parties have reached a tentative agreement, subject to client approval,  
8 concerning an award of attorney's fees and costs and hope to resolve the issue without the Court's  
9 intervention. Defendants do not concede that Plaintiffs are entitled to recover any fees or costs in  
10 this case, and reserve all rights to oppose any bill of costs or motion for attorney's fees. Although  
11 it now appears likely that judicial resolution of any dispute over fees or costs may not be necessary,  
12 the parties anticipate that it will take two additional weeks to secure the necessary approvals and  
13 execute a settlement agreement; and

14 WHEREAS it would minimize litigation costs and conserve judicial resources to permit the  
15 parties to attempt to resolve any dispute over fees or costs without the Court's intervention,

16 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through  
17 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any  
18 bill of costs and/or motion for attorney's fees shall be extended by approximately two weeks, to  
19 June 14, 2012, notwithstanding any local rule to the contrary.

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Dated: May 31, 2012

Respectfully submitted,

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Attorneys for Plaintiffs

# SIGNATURE ATTESTATION

In accordance with General Order 45(X), I hereby attest that I have obtained Lisa A. Davis's concurrence in the filing of this document.

/s/ Eric B. Beckenhauer  
ERIC B. BECKENHAUER

# ~~PROPOSED~~ ORDER

Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any bill of costs and/or motion for attorney's fees shall be extended to June 14, 2012, notwithstanding any local rule to the contrary.

**SO ORDERED.**

Dated: 5/31/12

  
RICHARD SEEBORG  
United States District Judge